

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UMG RECORDINGS, INC., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
GRANDE COMMUNICATIONS)	No. 1:17-cv-00365-LY
NETWORKS LLC,)	
)	
Defendant.)	
)	
)	
)	

**DEFENDANT GRANDE COMMUNICATIONS NETWORKS LLC'S
DESIGNATION OF POTENTIAL WITNESSES, TESTIFYING EXPERTS,
AND PROPOSED EXHIBITS**

Pursuant to the Court's Scheduling Order (ECF No. 66), and as extended by agreement between the parties, Defendant Grande Communications Networks LLC ("Grande") hereby submits its designation of potential witnesses, testifying experts, and proposed exhibits.

I. Potential Witnesses

Below is a list of individuals and/or entities that Grande may call as witnesses at trial, either by deposition or in person:

1. Christopher Sabec
2. Gregory Boswell
3. Aaron Harrison
4. Jason Gallien
5. Alasdair McMullan
6. Jeff Walker
7. Neil Carfora
8. Wade Leak
9. Jon Glass
10. Matt Flott
11. Steven Poltorak
12. David Benjamin
13. Dong Jang
14. Matt Rohre
15. Lamar Horton
16. Lars Christianson
17. Colin Bloch

18. Stephanie Christianson
19. Robert Creel
20. Robert Fogle
21. Bruce Jongeneel
22. Recording Industry of America (“RIAA”) Rule 30(b)(6) witnesses
23. Rightscorp, Inc. Rule 30(b)(6) witnesses
24. Sony Rule 30(b)(6) witnesses
25. Warner Rule 30(b)(6) witnesses
26. Universal Rule 30(b)(6) witnesses
27. CSG Rule 30(b)(6) witnesses

Grande reserves the right to amend or supplement this list as the case proceeds. Grande intended to serve this document after completing a majority of the depositions in this matter. Because Plaintiffs have yet to make numerous witnesses available for deposition, including corporate designees on all but one of the topics set forth in Grande’s Rule 30(b)(6) notices to Plaintiffs, Grande serves this document without the benefit of that discovery.

Grande further reserves the right to call any persons or entities identified in any party’s discovery responses, and/or any person deposed in this action. This identification shall not be considered a waiver of any of Grande’s arguments regarding the admissibility of evidence. Grande will submit its trial witness list in accordance with the Court’s Scheduling Order.

II. Testifying Experts

Grande designates the following expert witnesses:

1. Jonathan E. Kemmerer

Mr. Kemmerer is a Certified Public Accountant and damages expert. He will provide

testimony on economic damages in this case, specifically the actual or statutory damages that Plaintiffs may recover in this case in the event secondary copyright infringement is found. His opinions and the information required under Fed. R. Civ. P. 26(a)(2)(B) are set forth in an expert report that was served on Plaintiffs.

2. Dr. Geoff A. Cohen

Dr. Cohen is a technical expert specializing in computer science. He will provide testimony on BitTorrent, the Rightscorp System and its source code, and the notices the Rightscorp System generates. His opinions and the information required under Fed. R. Civ. P. 26(a)(2)(B) are set forth in an expert report that was served on Plaintiffs.

In addition to those experts identified above, Grande reserves the right to designate rebuttal experts, and serve disclosures for such rebuttal experts, in accordance with the Federal Rules of Civil Procedure, Local Rules, and this Court's Scheduling Order. Grande additionally reserves the right to amend or supplement its designation of expert witnesses, and further reserves the right for the experts identified above to revise or amend their expert reports, in the event new evidence is discovered in this case.

III. Potential Exhibits

Below is a list of potential exhibits that Grande may introduce at trial:

1. Rightscorp notices of alleged infringement sent to Grande;
2. Additional evidence produced by Rightscorp;
3. Evidence produced by the RIAA;
4. Documents produced by Plaintiffs relating to ownership of the asserted copyrights;
5. Exhibits introduced during depositions in this case;
6. Grande's expert reports, rebuttal reports, and cited documents and exhibits;

7. Written discovery and responses;
8. Documents produced in response to written discovery;
9. Records produced by Grande relating to its DMCA policy;
10. Documents reflecting Grande's policies and procedures relating to the DMCA;
11. Documents produced pursuant to third-party subpoenas, including CSG, BMG, Cox and IP Echelon;
12. Other documents produced by Grande, Plaintiffs, or non-parties.
13. All evidence identified by Plaintiffs in their Designation of Potential Witnesses, Testifying Experts, and Proposed Exhibits, to the extent such evidence was timely and properly disclosed and/or produced in discovery.

Grande reserves the right to amend or supplement this list as the case proceeds. This designation of potential exhibits shall not be considered a waiver of any of Grande's arguments regarding the admissibility of evidence. Grande will submit its trial exhibit list in accordance with the Court's Scheduling Order.

IV. Reservation of Rights

Grande reserves the right to amend or supplement its designations as this case proceeds. As stated above, Grande intended to serve this document after completing a majority of its depositions of Plaintiffs' witnesses. As of the date of this filing, Plaintiffs have only produced corporate designees to testify on 1 of the nearly 50 topics set forth in Grande's Rule 30(b)(6) notices. Therefore, Grande reserves the right to amend or supplement its designations if necessary.

Dated: August 30, 2018.

By: /s/ Richard L. Brophy

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 30, 2018, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(b)(1).

/s/ Richard L. Brophy